

Grant Boyd

v.

Mike Austin, et, al.

FILED
CLERK'S OFFICE
Civil Case 05-10873-RWZ

2006 OCT 21 A 2:36

PLAINTIFFS MEMORANDUM IN SUPPORT OF PLAINTIFFS OBJECTION
TO USMS NOTICE AND MOTION PROHIBITING MOTIONS AGAINST THE USMS

The respect for law, particularly by officials responsible for the administration of the law enforcement system is in itself a matter of the highest public interest. See *Duran v. Anaya*, 642 F.Supp 510, 527 (D.N.M. 1986)

For the Government to request the Courts permission to violate the rules of the Court with impunity is in itself an example of the most obscene violation of the Public's Trust. A law enforcement agency with employees who swear an oath to obey the Constitution of the United States and to follow it's laws, cannot be held to a less strict standard then the public they swore to protect. it is this exact pervision that motivated the defendants to violate the plaintiff's Constitutional rights whereby causing this civil action in the first place. If the Court allows the USMS' motion and refuses to issue a contempt order, it is telling these sworn officials that they are allowed to violate the laws they swore to uphold. This is a very dangerous precedent to set.

The USMS did not object to the Subpoena as allowed by the rules of the Court, they instead elected not to respond at all to the subpoena in violation of the rules of the Court. The USMS is responsible for serving subpoenas, they know that

they are required to respond, but elected not to do so until they received notice that a motion to hold them in contempt was filed, this behavior is at odds with their function within the Court.

The Government does not contend in its motion that the USMS never received the subpoena, The Government does state that as of October 12, 2006, the USMS has complied with plaintiff's September 21, 2006 subpoena. This is a true statement but it is also deceptive.

The subpoena was served on the USMS on Septemeber 7, 2006 and it asked the USMS to respond by September 21, 2006 which they elected to ignore until they received notice that the plaintiff asked the Court to issue a contempt order. On October 14. 2006 the plaintiff received an incomplete response to the subpoena, representing only two pages of basic information. (exhibit A) This was the same day the plaintiff received the Governments Notice and motion prohibiting plaintiff from filing motions against the USMS.

The fact that the USMS responded to the Subpoena on October 14, 2006 does not change the fact that they were in contempt by refusing to answer as allowed and required by the Court.

The surviving claim of retaliation involves two agencies the Plymouth Courty Sheriff's Department and the US Marshals Service. P.C.S.D. retaliated afainst the prisoner-plaintiff by requesting his transfer to another facility, but it is the USMS that authorizes transfers and as such the USMS has acccess to information relevant to the Claim. The Plaintiff does not contend that the USMS retaliated against him but that they had to at


least participate in teh advers action even if they lacked any retaliatory motive.

Therefore, is it logical that they should be required to respond to discovery requests made by a Court issued subpoena. As discussed with the Court, at the scheduling confrence, the plaintiff has a need to involve the USMS and Massachusetts DOC in the discovery process and pursuant to that discussion the Court stamped subpoena's for the plaintiffs use.

For the USMS to refuse to answer a properly served subpoena is a violation of the public trust and the oath they swore to uphold. For the US Attorney's Office to request permission from the Court to prohibit the plaintiff from seeking relief, from the USMS' willfull disregard for the rules of the Court, relief the plaintiff is entitled to under law, is also an obscene perversion of the public's trust and is indictive of the problem that caused the origional violations to occure, namely the government officials' belief that they are above the law and thus allowed to violate the citizens rights with impunity. For the Court to allow this request would set a dangerous president.

Therefore, the plaintiff renews his request for a contempt order and moves the Court to deny the Government's motion to be exempt from plaintiff motions. Additionally, for the above reasons plaintiff pleads with the Court to approve plaintiff's motion for discovery of information available to the USMS.

Respectfully Submitted,


Grant Boyd, Pro-Se
PO Box 100
S. Walpole, MA 02071

10/15/06

OCTOBER 14 - Received & pg 2 of 2

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DATE: 10/11/2006 TIME: 10:29 PAGE: 1

UNITED STATES MARSHALS SERVICE
PRISONER TRACKING SYSTEM
DIST. MASSACHUSETTS
DISTRICT: 38 OFFICE: BOS

INDIVIDUAL CUSTODY AND DETENTION REPORT USM (129)

NAME: BOYD, GRANT
USMS NUMBER: 04725082

I. IDENTIFICATION DATA:

USMS NBR: 04725082 NAME: BOYD, GRANT

ADDRESS: 40 WORCESTER SQAURE BOSTON, MA 02118

PHONE: - -

DOB: 04/28/1969 AGE: 37 POB: WHEELING, WV SEX: M RACE: W HAIR: BRO EYE: HAZ HEIGHT: 605 WEIGHT: 220

SSN: 081-60-0905 FBI NBR: ALIEN NBR:

*****SPECIAL HANDLING CODE:

MEDICAL

SECURITY

SECURITY

SPECIAL HANDLING REMARKS:

USE UNIVERSAL PRECAUTIONS

FORMER ESSEX COUNTY C.O.

ALSO HAS US PROBATION DETAINER LODGED 1/12/05

DETAINDER/DATE ACTIVE AGENCY

REMARK

***** N

PRISONERS ALIASES:

ALIAS REMARKS:

NONE

GENERAL REMARKS:

NONE

II. CASE INFORMATION:

CTR	STATUS	COURT CASE NUMBER	FEDERAL COURT CITY
1	WT-TRIAL	4725082-1	BOSTON
2	WT-TRIAL	4725082-2	BOSTON

CTR	JUDGE NAME	US ATTORNEY NAME	DEFENSE ATTORNEY NAME
1	COHEN, LAWRENCE	RUE, NANCY	
2	DEIN, JUDITH		

CTR	ARREST DATE	ARRESTING AGENCY	LOCATION OF ARREST	WARRANT NUMBER
1	01/03/2005	FEDERAL BUREAU OF INVESTIGATION	BOSTON, MA	
2	01/12/2005	U.S. MARSHALS SERVICE	USDC	

CTR	OFFENSE	OFFENSE REMARK	DISPOSITION
1	(3599) DANGEROUS DRUGS	METHANPHETAMINES	NOT YET DISPOSED
2	(5012) PROBATION VIOLATION		NOT YET DISPOSED

CTR	SENTENCE DATE	SENTENCE	APPEAL DATE
1	*****		*****

Population

management

SAFE Keeping

Former Connecticut official.

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DATE: 10/11/2006 TIME: 10:29 PAGE: 2

UNITED STATES MARSHALS SERVICE
PRISONER TRACKING SYSTEM
DIST. MASSACHUSETTS
DISTRICT: 38 OFFICE: BOS

INDIVIDUAL CUSTODY AND DETENTION REPORT USM (129)

NAME: BOYD, GRANT
USMS NUMBER: 04725082

2 *****

III. STATUS HISTORY

CTR	STATUS	STATUS DATE	CUSTODY DATE	RELEASE DATE	REMARK
1	WT-TRIAL	01/03/2005	01/03/2005	*****	
2	WT-TRIAL	01/12/2005	01/12/2005	*****	

IV. CHRONOLOGICAL PRISONER HISTORY

INST	ADMIT	RELEASE	DAYS	ACTION OR
CODE INSTITUTION NAME	DATE	DATE	BOARDED	DISPOSITION
OTH OTHER	12/31/2004	01/03/2005	3	BOSTON PD
CEL CELLELOCK	01/03/2005	01/03/2005	0	
1CK PLYMOUTH CO JAIL	01/03/2005	03/22/2005	78	
1ET MASS CORR INSTIT-WAL	03/22/2005	*****	568	
TOTAL DAYS BOARDED			649	

V. MEDICAL CONDITION/TREATMENT HISTORY

DATE SERVICE PROVIDED	VENDOR	SERVICE PROVIDED

THIS INFORMATION IS THE PROPERTY OF THE U.S. MARSHALS SERVICE AND SHALL NOT
BE PUBLICLY RELEASED OR DISSEMINATED WITHOUT U.S. MARSHALS SERVICE AUTHORITY.

***** END OF REPORT *****

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I, Grant Boyd, certify under the pain and penalty of perjury that the below list of items were mailed to the below listed individuals by postage pre-paid first class mail on 18 day of OCTOBER month of 2006.

1. PLAINTIFFS OBJECTION TO USMS NOTICE/MOTION
2. PLAINTIFFS MOTION FOR DISCOVERY
3. PLAINTIFFS MEMO IN SUPPORT OF #1 & 2
4. _____

Mailed to:

1. Isabel Eonas, PCSD, 24 Long Pond Rd., Plymouth, MA 02360
2. EUGENIA CARRIS, AUSA, 1 LOUTHOUSE WAY BOSTON MA 02210
3. _____

Signed under the pain and penalty of perjury.



Grant Boyd, Pro-Se

18/OCT/06
Date